

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOSHUA SANDER, :
Plaintiff, : Case No. 3:18-cv-102
v. : JUDGE WALTER H. RICE
SHERIFF DAVE DUCHAK, *et al.*,
Defendants. :

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION (DOC. #27);
SUSTAINING DEFENDANTS' UNOPPOSED MOTION TO DISMISS
FOR LACK OF PROSECUTION (DOC. #26); DISMISSING CASE
WITHOUT PREJUDICE FOR FAILURE TO PROSECUTE; JUDGMENT
TO ENTER IN FAVOR OF DEFENDANTS AND AGAINST PLAINTIFF;
TERMINATION ENTRY

On August 26, 2019, United States Magistrate Judge Michael J. Newman issued a Report and Recommendation, Doc. #27, recommending that the above-captioned case be dismissed under Fed. R. Civ. P. 41(b) for failure to prosecute. Although the parties were notified of their right to file Objections to the Report and Recommendation, and of the consequences of failing to do so, no Objections have been filed within the time allotted.

The Court notes that Plaintiff was previously ordered to show cause by August 6, 2019, why the case should not be dismissed for failure to prosecute. Doc. #24. He failed to respond to that order, which was returned to the Court as

undeliverable. Doc. #25. Likewise, the August 26, 2019, Report and Recommendation was returned to the Court as undeliverable. Doc. #28. It appears that Plaintiff is no longer being held at the Miami County Jail, but has failed to inform the Court of his new contact information.

Based on the reasoning and citations of authority set forth by Magistrate Judge Newman, the Court ADOPTS his Report and Recommendation, Doc. #27, SUSTAINS Defendants' unopposed Motion to Dismiss for Lack of Prosecution, Doc. #26, and DISMISSES this case WITHOUT PREJUDICE for failure to prosecute.

Judgment shall be entered in favor of Defendants and against Plaintiff.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: September 23, 2019



WALTER H. RICE
UNITED STATES DISTRICT JUDGE